S.B.Cr.Misc. Bail App. No. 5295/2007
(Onkar & Ors. Vs. State of Rajasthan)

Date of order : 26/10/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. R.S.Chundawat for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and challan papers.

On careful perusal of the statement of the deceased as also the eye witnesses, the presence of the petitioners No.1 Onkar, No.4 Laxman and No.5 Rama @ Ram Lal has been shown as assailants. In this view of the matter, I do not find it a fit case to release the petitioners No.1 Onkar, No.4 Laxman and No.5 Rama @ Ram Lal on bail. The bail application filed by petitioners Onkar, Laxman and Rama @ Ram Lal under Section 439 Cr.P.C. is therefore, dismissed.

However, so far as the petitioners No.2 Shanti Lal and petitioner No.3 Mangi Lal are concerned, none of the witnesses have shown their presence at the place of occurrence. In this view of the matter, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners No.2 and 3 on bail.

Accordingly, this bail application filed by petitioners No. 2 and 3 under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners No.2 Shanti Lal S/o Ganga Ram Gadari and No.3 Mangi Lal S/o Hajari Gadari be released on bail in FIR No. 88/2007 P.S. Kareda, district Bhilwara, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP